

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare - West Godavari District – Acquisition of land of Ac.6.35 cts. In Gopalapuram (M) & (v), West Godavari District for provision of house sites to weaker sections - Release of an amount of Rs.14,40,918/- towards decretal amount into the Court in EP No.135/90 in OP No.53/87 - Permission accorded - Orders issued.

SOCIAL WELFARE (LA) DEPARTMENT

G.O.RT.NO. 561

Dated :12-08-2008

Read the following :

1. From the AP.High Court, Hyderabad. WP.NO. 7047 of 2007, dated.22-10-2007.
2. Govt. Memo.No.7382/LA.1/2007-2, Dated.31-10-2007.
3. The District Collector, West Godavari, Fax Message No.G3/27/2000/SW, dated.26-10-2007.
4. Govt. Memo.No.7382/LA.1/2007-6, SW Dept., dt.12-12-2007.
5. The District Collector, West Godavari, Letter No.G3/27/2000/SW, dated.16-1-2008.
6. From the Commr., SW, Lr.Rc.No.LA.3/5417/2006, dt.2-2-2008.
7. From the G.P. for L.A., High Court of A.P., Lr.No.AS No.529/1992/A2, dated.24-7-2008.
- 8 Notice issued by Senior Civil Judge, Kovvur, West Godavari District, in EP No.135/1990 dated 18-7-2008.
9. Govt. Memo.No.7382/LA.1/2007-10, SW Dept., dated.31-7-2008.

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ORDER:

In the letter 6th read above the Commissioner of Social Welfare, Andhra Pradesh, Hyderabad, has furnished a proposal of the District Collector, West Godavari District 5th read above for release of an amount of Rs.14,40,918/- towards acquisition of Ac.6.35 cts. In Gopalapuram (M) & (v), West Godavari District, so as to deposit decretal amount into the Court in EP No.135/90 in OP No.53/87.

2. The Land Acquisition Officer and the then MRO, Gopalapuram has acquired the land for an extent of Ac.6.35 cents and passed award No.3/87, dt.2-9-2003, in RS No.217/2B of Gopalapuram (M) and (v) by fixing the market value @ Rs.15,000/- per acre. Aggrieved by the compensation fixed by the Land Acquisition Officer, the land owners filed in OP. No.53/87 before the Subordinate Judge, Kovvur. The Court in its judgment dated.14-9-1990 has fixed the market value of the land acquired @ Rs.50/- per square yard for Ac.4.76 cents as 1/4th of the land i.e., Ac.1.59 cents was deducted from the total extent of Ac.6.35 cents acquired from the claimant with costs. The claimant entitled solatium @ 30% on the enhanced market value and 12% addl. Market value as per the Amended Sec.23-1A of Land Acquisition Act. The claimant entitled to interest @ 15% from the date of possession i.e, 31-3-1987 till payment as possession was taken prior to the notification U/S 17(4) of the Land Acquisition Act.” The Land Acquisition Officer, Gopalapuram has filed appeal in the Hon’ble High Court in AS No.529 of 1992 and the High Court in its Judgment dated.20-8-1999, has enhanced the compensation from Rs.50/- per sq.yard to Rs.1,20,000/- per acre with all the statutory benefits including that of Sec.23 (1-A) under Amendment Act No.68 of 1984, solatium and interest @ 9% P.A. for first year of taking possession and 15% P.A. for the subsequent period.

3. Further the land owner filed W.P. No.7047 of 2007 before the Hon’ble High Court to deposit entire compensation payable to the petitioner as per orders in AS No.529/1992 to the credit of EP No.135 of 1990 in OP No.53 of 1987 on file of Sr.Civil Judge, Kovvur.

4. The District Collector, West Godavari in his letter 5th read above has requested the Government for release of an amount of Rs.14,40,918/- towards

(PTO)

decretal charges as per the decree dated.20-2-2007 in EP No.135/90 in OP No.53/87 of Hon'ble Senior Civil Judge, Kovvur to be paid to the land owner @ Rs.1,20,000/- per acre for the entire extent of Ac.6.35 cts. as per the orders of the Hon'ble High Court in Appeal No.529/92 dated.29-8-1999 without reducing 25% of the land from the total extent of Ac.6.35 cts.

5. The Government Pleader for Appeals, High Court of A.P., in his letter 7th read above has advised to deposit the balance compensation payable to the claimants in the Lower Court in EP No.135/1990 in OP No.53/1987 earliest.

6. In the reference 8th read above the Senior Civil Judge, Kovvur has issued notice to the Tahsildar, Gopalapuram for attachment of the property of Office of the Land Acquisition Officer and Tahsildar, Gopalapuram, for non compliance of orders in EP No.135/1990 in OP No.53/1987.

7. In view of the circumstances stated above, Government after careful examination of the matter hereby accord permission to release an amount of Rs.14,40,918/- (Rupees fourteen lakhs forty thousands nine hundred and eighteen only) to the District Collector, West Godavari towards payment of decretal charges in EP No.135/1990 as per orders in AS No.529/92 in OP No.53/87 for acquisition of the land to an extent of Ac.6.35 cents in RS No.217/2B of Gopalapuram (M) and (V), West Godavari District to comply with the orders of the Court.

8. The expenditure sanctioned in para (7) above shall be debited to "2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes - 01 Welfare of Scheduled Castes – M.H.283- Housing – GH.11- Normal State Plan – SH (05) – Acquisition of House Sites to weaker sections in Rural Areas under INDIRAMMA Programme – 310 – Grants-in-aid 312 – Other Grants-in-aid" and shall be met from the provision available in the Budget Estimates 2008-09.

9. The Commissioner of Social Welfare, Hyderabad, is requested to issue necessary proceedings to the District Collector, West Godavari to deposit the amount sanctioned above to comply with the orders of the Court.

10. The District Collector, West Godavari, is requested to verify the calculation sheet submitted by the Land Acquisition Officer once again before issue of proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

11. This order issues with the concurrence of Finance (Exp.SW) Department vide their U.O.No.23347-A/395/A1/ESW/08, Dated.2-8-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RACHEL CHATTERJEE,
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Social Welfare, Andhra Pradesh, Hyderabad.

The District Collector, West Godavari, Kakinada.

Copy to :

The Director of Treasuries and Accounts, A.P. Hyderabad.

The Pay and Accounts Officer, Hyderabad.

The Accountant General, A.P, Hyderabad.

The District Treasury Officer, West Godavari.

Finance (Exp.SW) /(BG) Department.

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//FORWARDED::BY ORDER//

SECTION OFFICER